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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,449

06/12/2006

Stephan Bolz

2003P13373

6958

24131 7590 06/30/2009  
LERNER GREENBERG STEMER LLP  
P O BOX 2480  
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EXAMINER

BALDRIDGE, BENJAMIN M

ART UNIT

PAPER NUMBER

2831

MAIL DATE

DELIVERY MODE

06/30/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 10/582,449	<b>Applicant(s)</b> BOLZ, STEPHAN	
	<b>Examiner</b> Benjamin M. Baldrige	<b>Art Unit</b> 2831	

**All Participants:**

(1) Benjamin M. Baldrige.

(2) Werner Stemer, Reg. No. 34,956.

**Status of Application:** 80

(3) \_\_\_\_\_.

(4) \_\_\_\_\_.

**Date of Interview:** 24 June 2009

**Time:** 9:25 AM

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description: \_\_\_\_\_.

**Part I.**

Rejection(s) discussed:

Claims discussed:

14

Prior art documents discussed:

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Diego Gutierrez/  
Supervisory Patent Examiner, Art Unit 2831

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner called Mr. Stemer's office to discuss response to arguments/remarks received 6/17/09; broadness of claim language in claim 14 was discussed. Examiner stated that while the claims could not be allowed in their present condition, the specification appeared to contain specific improvements to a hot wire/thermistor based oil level sensor in an automotive engine that might be patentable (subject to further search and consideration) that were not claimed. Examiner stated that an advisory action would be issued. Mr. Stemer stated that he would consider the matter further after receiving the advisory action. Though not specifically discussed as prior art during the interview, applicant should also note Ory (US Patent 4,825,383, April 25, 1989), which, though not relied upon for the rejection of claims 14 and 25 in previous office actions, appears to read upon the applicant's claims. Note that the use of a positive thermal coefficient (PTC) resistor as a sensor element in the apparatus of Ory would effectively meet the recited limitation relating to a constant power level in the sensor resistor, as the increasing resistance with temperature would affect I<sup>2</sup>R losses in the sensor resistor, and that choosing an optimum range for a component to achieve a desired result or operating condition has been held to be a routine exercise of ordinary capabilities of a person of ordinary skill in the art. In re Boesch, 617 F.2d 272, 205, USPQ 215 (CCPA 1980).